



National Beer Wholesalers Association

David K. Rehr
President

September 26, 2005

Mr. William Foster
Chief, Regulations and Procedure
Alcohol and Tobacco Tax and Trade Bureau
Department of Treasury
1310 G Street, NW
Washington DC 20005

Dear Mr. Foster:

We are writing today to provide comments on the *Advanced Notice of Proposed Rulemaking Notice no. 41* "Labeling and Advertising of Wines, Distilled Spirits and Malt Beverages; Request for Public Comment" recently put forward by the Tax and Trade Bureau (TTB) and published in the *Federal Register*. We appreciate the opportunity to comment on this issue.

As you are aware, beer wholesalers distribute malt beverage products in all 50 states and operate under the direction of numerous federal, state and local regulatory jurisdictions. The Tax and Trade Bureau, and its predecessor agency, the Bureau of Alcohol, Tobacco and Firearms, have long recognized the differences between beer, wine and spirits. From the way the products are manufactured, transported, distributed, and sold to the way they are taxed, controlled and consumed, licensed beverages are unique products each with their own distinction.

When it comes to the regulation of the label, we favor straightforward disclosure of information about calories, carbohydrates, protein, and fat contained in alcohol beverages, much like the information that is currently required on the labels of all light beers and that is optional for other types of beer.

Alcohol labels should reflect product concentration. We strongly support the longstanding policy of using the percent of alcohol by volume as the appropriate way to describe alcohol content. Alcohol content varies for all alcohol drinks, but especially for

drinks made with distilled spirits. Content varies based on the brand used, the recipe, and the “generosity” of who is mixing the drink. The suggested label is deceiving to consumers, because it masks the significant differences in strength, concentration, and effect among beer, wine, and liquor.

Graphic equivalency logos and a “standard serving” reference are deceptive and potentially dangerous to consumers.

The labels in the TTB’s ANPRM include additional displays of alcohol content per “standard serving” accompanied by graphics that attempt to convey the idea that all types of alcohol are “equal.” It is deceptive to consumers to suggest that a “standard serving” of alcohol beverages even exists. The label information requires multiple calculations by consumers, making its use difficult and confusing.

The distilled spirits industry continues to claim that there is a “standard drink” and attempts to state that drinks containing spirits are the same as a bottle of beer or glass of wine. Such claims are deceptive. For example, one rum drink could contain up to 4 times the amount of alcohol as another rum drink - and several times as much alcohol as a single beer or glass of wine - depending on the type of spirits used, the mixers included, and the bartender’s pouring tendencies. Two martinis also affect a person much differently than two bottles of beer or two glasses of wine and the notion that they do not is nothing short of irresponsible.

Including “standard serving” information on licensed beverage products that range from 12 to 90% in alcohol concentration is potentially dangerous. The opportunity for confusion in the marketplace is significant

Attempting to standardize servings of products that do not come in a standard container or with a uniform alcohol concentration amount could be potentially misleading and harmful to consumers. The establishment of a standardized serving in a category of products with such a wide disparity of alcohol concentration will create consumer confusion and could result in unintended over consumption. Finally, this would also be contrary to would be contrary to past TTB precedent.

We submit these comments on behalf of our 1,850 member companies.

Sincerely,

A handwritten signature in black ink that reads "David K. Rehr". The signature is written in a cursive, flowing style.

David K. Rehr